MEMORANDUM

TO: PARTICIPANTS OF THE DDRS JULY QUARTERLY UPDATE
FROM: KYLEE HOPE, DIRECTOR OF BUREAU OF REHABILITATION SERVICES (BRS)
SUBJECT: TRANSITION OVERVIEW
DATE: JULY 8, 2014

Purpose:
The goal of VR's transition initiative is to identify and provide appropriate VR services to transition-aged students (aged 14-22 in Indiana) to assist them in obtaining the skills necessary to achieve high-quality competitive and integrated employment. Accomplishment of this goal will require purposeful collaboration with external partners, such as educational agencies, providers, and employers.

Eligibility:
An individual is eligible for VR services if he or she is an "individual with disability," meaning that the individual has a physical or mental impairment that results in an impediment to employment and can benefit in terms of an employment outcome from VR services. An individual also must require VR services in order to prepare for, secure, retain, or regain employment. All students with disabilities, including those with significant and the most significant disabilities, are presumed to be eligible for VR services, unless the VR agency concludes, based on clear and convincing evidence that the individual cannot benefit from the VR program.

VR Services:
VR provides individualized services that are necessary for an individual to prepare for, secure, regain, or retain employment and can only be provided to an eligible individual if specified in the Individualized Plan for Employment (IPE). While services shall be individualized based on the IPE goal, those VR services most appropriate for student with disabilities *may* include, but are not limited to, the following:

- Vocational counseling and guidance;
- Information and referral;
- Vocational assessment;
- Career exploration;
- Job development and work experiences;
- Work adjustment and vocational training;
- Assistive technology;
- Orientation and mobility; and
- Job coaching.

Identified Issues:
The Rehabilitation Services Administration (RSA) in its Technical Assistance Circular (TAC) has identified transition-related issues that have been raised during monitoring activities (see attachment A). The identified issues pertain to:

1) The effective collaboration between VR services and State educational agencies for the provisions of transition services;
2) The VR process as it relates to referral and application for services, the determination of eligibility, and the development of IPE; and
3) The services that may be provided through the VR program.

The areas above are applicable to Indiana. In addition, BRS has identified the need to better educate families, students, and school personnel on VR services and appropriate referrals. Students need a coordinated set of transition services that are outcome-based. Such services should also facilitate movement from school to post-school activities, which may include adult services like VR. It is important to educate and train school personnel and VR counselors on ways to purposefully collaborate to identify appropriate VR services to provide to eligible students in order to proactively prepare them for life after school.

July Quarter Meeting Discussion:
In order preparation for the conversation at the July 16th DDRS Quarterly Meeting, please review the attached Technical Assistance Circular (dated May 6, 2014 from RSA). In addition, I ask that you come to the meeting with ideas on the following questions:

1) What are the current barriers for students with disabilities for transitioning from school-to-work?
2) In your opinion, what transition services may be most beneficial for transition-aged students?
3) Where are the pitfalls of the current referral process for VR?
4) How can current partnerships (i.e., schools, DOE, providers, families, etc.) be strengthened to better prepare students for life after high school?
5) What can we learn from some success stories in Indiana or other states?

A.

U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND
REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202

TECHNICAL ASSISTANCE CIRCULAR
RSA-TAC-14-03
DATE: May 6, 2014

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES
STATE REHABILITATION COUNCILS
STATEWIDE INDEPENDENT LIVING COUNCILS
CLIENT ASSISTANCE PROGRAMS
TECHNICAL ASSISTANCE & CONTINUING EDUCATION CENTERS
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICE PROJECTS
CENTERS FOR INDEPENDENT LIVING

SUBJECT: Transition Planning and Services Provided through the State Vocational Rehabilitation Services Program

PURPOSE: In today's changing economy, it is imperative that individuals with disabilities, including students with disabilities, obtain the skills necessary to participate in jobs available now and in the future. In keeping with its long-standing mission to prepare individuals with disabilities, especially students with disabilities, to achieve high-quality competitive and integrated employment, the vocational rehabilitation (VR) program is uniquely positioned to meet this challenge through the provision of transition services to students with disabilities and through its collaboration with external partners, such as educational agencies, institutions of higher education (IHE), and employers.

Through this technical assistance circular (TAC), the Rehabilitation Services Administration (RSA) addresses a variety of transition-related issues that VR agencies have raised during monitoring activities. The issues pertain to: (1) the effective collaboration between VR agencies and State educational agencies (SEA) for the provision of transition services; (2) the VR process as it relates to referral and application for services, the determination of eligibility, and the development of the individualized plan for employment (IPE); and (3) the services that may be provided through the VR program. The guidance contained in this TAC will better enable VR agencies to implement policies and engage in innovative strategies designed to improve the transition of students with disabilities,

including those with the most significant disabilities, from school to the achievement of integrated employment outcomes and careers.

TECHNICAL ASSISTANCE:

Section 103(a)(15) of the Rehabilitation Act of 1973, as amended (Rehabilitation Act), and VR program regulations at 34 CFR 361.48(r) identify transition services as a VR service that may be provided to eligible students with disabilities when included in the IPE as necessary for the achievement of an employment outcome. Section 7(37) of the Rehabilitation Act defines "transition services" as:

> a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.

(see also 34 CFR 361.5(b)(55)). These statutory and regulatory provisions authorize VR agencies to provide eligible students with disabilities necessary transition services and form the foundation on which the VR program can assist these youth to attain their post-school goals, including achievement of employment outcomes.

An individual is eligible to receive VR services, including transition services, if he or she is "an individual with a disability," meaning that the individual has a physical or mental impairment that results in an impediment to employment and can benefit in terms of an employment outcome from VR services. The individual also must require VR services in order to prepare for, secure, retain, or regain employment (See Sections 7(20)(A) and 102(a)(1) of the Rehabilitation Act; 34 CFR 361.5(b)(28) and 361.42(a)(1)). Federal requirements related to the conduct of assessments to determine eligibility (34 CFR 361.5(b)(6)(ii) and 34 CFR 361.45(f)(2)), presumptive eligibility (34 CFR 361.42(a)(3)), trial work experience (34 CFR 361.42(e)), and extended evaluation (34 CFR 361.42(f)) apply to students with disabilities just as they apply to all

applicants for VR services. As such, all students with disabilities, including those with significant and the most significant disabilities, are presumed to be eligible for VR services, unless the VR agency concludes, based on clear and convincing evidence, that the individual cannot benefit from the VR program through the achievement of an employment outcome (i.e., integrated employment as required by 34 CFR 361.5(b)(16)) because he or she is too severely disabled (Section 102(a)(2)(A) of the Rehabilitation Act and 34 CFR 361.42(a)(2)). "Clear and convincing evidence" is defined, in part, as the highest standard in our civil system of law whereby VR agencies must have a high degree of certainty before concluding that an individual is incapable of benefiting from services in terms of an employment outcome. The term "clear" means unequivocal (see Note accompanying 34 CFR 361.42).

Further, "[t]he [Rehabilitation] Act and [implementing] regulations prohibit determining any person with a disability, including any individual with a significant or a most significant disability, ineligible under the VR program based on an assumption, belief, or limited information that the individual is incapable of working in an integrated setting" (TAC 02-01, "Assessments of Individuals with Significant Disabilities under the State Vocational Rehabilitation Services Program," page 7 (February 11, 2002)). If a VR agency has reason to believe that a student is not capable of obtaining integrated employment and, thus, not eligible for VR services, it must engage the student in trial work experiences or, in limited circumstances, extended evaluations.[1]

For purposes of the VR program, both for students with disabilities, as well as all other individuals served by the VR program, the definition of "employment outcome" means:

> with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in §361.5(b)(11), in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

[1] During this period, the VR agency must provide the necessary services under a written plan. However, trial work or extended evaluation plans are not a substitute for the IPE and should not be used as the basis to provide the full-range of individualized services identified in Section 103(a) of the Rehabilitation Act and 34 CFR 361.48.

(34 CFR 361.5(b)(16)). The definition "ensure[s], as we believe Title I of the [Rehabilitation] Act intends, that participants in the VR program, particularly those with significant disabilities, are afforded a full opportunity to integrate within their communities and participate in jobs that are available to the general population" (66 Fed. Reg. 7249, 7251 (January 22, 2001)).

A key component of the definition of "employment outcome" is the use of the term "integrated setting," which is relevant to both the provision of transition services to students with disabilities and the achievement of post-school employment outcomes. The term "integrated setting:"

(i) With respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals;

(ii) With respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

(34 CFR 361.5(b)(33)). By limiting employment outcomes under the VR program to employment in integrated settings, RSA intended, "to both provide individuals with significant disabilities employment opportunities in settings comparable to non-disabled individuals and to ensure that individuals with significant disabilities are not routinely placed in extended employment (i.e., sheltered work settings) based on the view that they are only capable of sheltered work as opposed to integrated employment in the community" (TAC 02-01, page 2). RSA's emphasis on integrated settings for purposes of employment outcomes, as well as for the provision of services, under the VR program, is consistent with Congressional intent described in Section 100 of the Rehabilitation Act. Given this emphasis on integrated settings, VR service policies, procedures and practices developed for students with disabilities should reflect this purpose.

To assist VR agencies to implement these policies and practices with regard to transition services for youth with disabilities, this TAC includes a discussion of the content and the intent of the formal interagency agreement between the State VR agencies and the SEAs required by Section 101(a)(11)(D) of the Rehabilitation Act and 34 CFR 361.22(b), and describes the range and scope of the transition process as it unfolds

sequentially, from referral to the development and implementation of the IPE. In addition, the TAC offers a brief description of services that may be provided for the benefit of groups of individuals.

Collaboration with Education Officials through SEA Agreements

The Rehabilitation Act and its implementing regulations require VR agencies to enter into formal interagency agreements with SEAs describing how they will collaboratively plan and coordinate transition services for students with disabilities needing those services (Section 101(a)(11)(D) of the Rehabilitation Act and 34 CFR 361.22(b)). This formal interagency agreement is a foundational document and is essential to ensuring that students with disabilities experience a smooth transition from school to post-school activities. The Individuals with Disabilities Education Act (IDEA) also requires the SEAs and VR agencies to plan and coordinate transition services for students who receive special education services (Section 601(d)(1) of IDEA and implementing regulations at 34 CFR 300.1(a)). However, as explained in more detail below, the requirements for a formal interagency agreement regarding transition services under the Rehabilitation Act apply to a broader population of students with disabilities than that under IDEA. VR agencies have the flexibility to include local educational agencies as parties to the formal State interagency agreement, or to execute local interagency agreements that are consistent with the State-level agreement and address the required provisions of the formal interagency agreement.

While the IDEA does not require an agreement with the same degree of specificity as does the Rehabilitation Act, both parties to this agreement benefit from a clearly delineated process for the coordination of services, dispute resolution, and the allocation of resources to ensure students with disabilities are served appropriately. The greater degree of collaboration and coordination between the VR program and the SEA through its district partners, the better prepared students with disabilities will be to transition from school into post-school activities.

The Rehabilitation Act and its implementing regulations require the formal interagency agreement between the VR agency and the SEA to contain a description of the following:

- consultation and technical assistance to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including VR services;
- transition planning by personnel of the designated State agency and educational agency personnel for students with disabilities

that facilitates the development and completion of their individualized education programs (IEP) under Section 614(d) of the IDEA;

- the roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for transition services; and
- procedures for outreach to and identification of students with disabilities who are in need of transition services. Outreach to these students should occur as early as possible during the transition planning process and must include, at a minimum, a description of the purpose of the VR program, eligibility requirements, application procedures, and scope of services that may be provided to eligible individuals.

(Section 101(a)(11)(D) of the Rehabilitation Act and 34 CFR 361.22(b)). Each of the four required components of the formal interagency agreement outlined above is described in further detail below.

Consultation and Technical Assistance in Transition Planning

In accordance with this component of the formal agreement, VR agencies must describe therein the manner in which they will provide consultation and technical assistance to educational agency personnel as authorized by Section 103(b)(6) of the Rehabilitation Act and 34 CFR 361.49(a)(7) (see also page 13 of this TAC). Through the sharing of information and coordination of joint training, VR and educational agency staff can explore and identify transition-related services (work-based learning; internships; apprenticeships; dual enrollment programs; industry-recognized credential programs, community college and university two and four-year degree programs), as well as employment. This consultation and technical assistance also can foster linkages with IHEs and employers, as well as other community service agencies, such as developmental disability agencies, mental health agencies and the Social Security Administration for the provision of supports or receipt of information regarding the Ticket to Work program. In addition, VR agency staff can share information that will enable school personnel to understand the medical aspects of disabilities, the purpose of the VR program, its eligibility and application requirements, how and when VR can best serve the employment needs of the students in the transition process, and how school personnel can assist students in their preparation for VR services leading to the employment outcome identified in the IPE.

Transition Planning Related to the Individualized Education Program

Early and active involvement in the transition planning process by VR agency personnel, such as transition specialists and VR counselors collaborating with educational agency personnel, results in the development of a more effective and cohesive transition between the school system and the VR program for students with disabilities with IEPs. During the planning process, VR agencies can assist schools to identify the transition needs for students with disabilities, such as the need for assistive or rehabilitation technology, orientation and mobility training, and career exploration through vocational assessments or work experience opportunities. The IDEA requires that the IEP for each student with a disability, must, beginning not later than the first IEP be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually thereafter, include (1) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills(e.g., self-advocacy, management of the home and personal finances, and the use of public transportation); and (2) the transition services (including, but not limited to, courses of study; classroom and test-taking accommodations; occupational, physical and speech therapy; and school psychological /guidance counseling) needed to assist the student with a disability in reaching those goals (Section 614(d)(1)(A)(i)(VIII) of the IDEA and 34 CFR 300.320(b)(1)). VR agencies can also assist schools in identifying other public agencies, such as State departments of labor, juvenile justice, developmental and intellectual disabilities, and mental health, that may be involved in providing transition services in order to facilitate their participation in IEP meetings. VR agency involvement during the transition planning phase of the IEP helps to ensure that the vocational or employment-related provisions of the IEP provide a bridge to the VR services needed under an IPE for those students determined eligible for the VR program, thus preparing them for life after school.

Roles and Responsibilities

This component of the formal interagency agreement provides specific information on the roles and responsibilities, including financial responsibilities, of each agency in providing transition services. A detailed identification of the roles and responsibilities is essential in order to provide clear guidance to State and local VR and educational agency personnel. The formal interagency agreement should include the specific services to be provided to students with disabilities by either State and local educational agencies or the VR agency, as well as those services to be provided through joint collaboration. To ensure that the parties understand the services that can be provided by each, the agreement

should also include requirements under the IDEA and the Rehabilitation Act related to eligibility and the provision of services. For example, the agreement should indicate that the VR agency is permitted to provide services only to those individuals determined eligible for VR services and who meet the agency's order of selection criteria, if the agency has implemented an order. The agreement also should specify that it is the VR agency's responsibility to develop and approve an IPE for each eligible student with a disability, who also meets the order of selection criteria, if applicable, at the latest, by the time each VR-eligible student exits the school system (34 CFR 361.22(a)(2) and 34 CFR 361.45(d)(8)).

Additionally, the agreement must clearly define the financial responsibilities of each party in providing transition services. Through the provisions of the Rehabilitation Act and IDEA, both the VR agency and the SEA share in the financial obligations as appropriate and as specified in the formal interagency agreement pursuant to Section 101(a)(11)(D) of the Rehabilitation Act and Section 612(a)(12)(A) of IDEA. Because the nature of the transition services and the roles and responsibilities of each party are to be determined at the State or local level, it is vital that the formal interagency agreement specify the financial responsibilities of each agency to avoid confusion among personnel and possible delays in the provision of transition services.

This section of the formal interagency agreement must also identify the lead, or primary, State agencies and qualified personnel to provide transition services. For example, the agreement should identify the SEA personnel that will coordinate planning services with staff identified by the VR agency. In addition, the agreement must identify a point of contact available at each school to enable VR personnel to provide outreach to students being served under Section 504 of the Rehabilitation Act and who may not be readily identified through school transition programs geared toward students served under the IDEA.

Procedures for Outreach

The formal interagency agreement must describe the procedures to be used to conduct outreach to students with disabilities and their families. At a minimum, the outreach activities in this context are those that provide information about the VR program and should cover the purpose of the program, eligibility requirements, application procedures, and the scope of services that may be provided to eligible individuals (34 CFR 361.22(b)(4)). VR agency and school personnel also should provide students and their families with information concerning other resources available to assist students as they transition from school to postsecondary education and employment, including explanations of the students' rights to accommodations under Section 504 of the Rehabilitation Act and the

Americans with Disabilities Act, and the availability of disability support services (e.g., tutors, notetakers, readers and interpreters) while on college and university campuses. Importantly, resources should be identified for the provision of benefits counseling to recipients of Supplemental Security Income and Social Security Disability Insurance.

This general information, which does not include the provision of individualized services such as counseling and guidance to explore personal options for postsecondary education and careers (see Provision of VR Services below), may be shared with potential applicants for VR services through school events, such as career fairs and back-to-school nights, as well as through group orientations and transition fairs. The VR program and its processes may also be introduced at IEP meetings when presenting adult service options.

As stated above, the coordination between the VR agency and the SEA must be "designed to facilitate the transition of students with disabilities from the receipt of educational services in school to the receipt of [VR] services" (34 CFR 361.22(a)(1)). This means that the outreach activities of the VR agency and the SEA must encompass all students with disabilities receiving educational services in the school – i.e., students with disabilities receiving special education and related services under Part B of the IDEA, mainstream educational services, and services under Section 504 educational plans.

The Provision of VR Services

Pursuant to Section 111(a)(1) of the Rehabilitation Act and regulations at 34 CFR 361.3, VR program funds must be spent solely on the provision of VR services and the administration of the program under the State Plan. VR services, as defined at 34 CFR 361.5(b)(58), are those provided to eligible individuals under an approved IPE (34 CFR 361.48) or provided to groups of individuals (34 CFR 361.49) (see also Sections 7(38) and 103 of the Rehabilitation Act).

Though critical to the ability of students with disabilities to transition smoothly from school to post-school activities, VR services such as counseling and guidance, assessments, career exploration, job development and work experiences, work adjustment and vocational training, assistive technology, orientation and mobility, and job coaching, can only be provided to applicants and eligible individuals at the appropriate stages of the VR process. Therefore, it is important to delineate in the VR agency's policy and procedures the differences between the referral, application, eligibility determination, and IPE development stages of the VR process.

Referral Procedures

The outreach activities conducted by VR personnel described above should facilitate the timely referral of students with disabilities to the VR program. Referrals may be made by the individual or representative in-person, or from a remote location via phone, paper, email, or other similar mechanism. In accordance with the regulations at 34 CFR 361.41(a), a process must be in place to ensure that individuals expressing interest in VR services are able to access the program and apply for services in a timely manner. VR agencies are encouraged to develop a referral process that is simple and engaging, especially for students with disabilities and their families who could become discouraged or disinterested in VR services by needlessly complex and prolonged procedures.

Application Procedures

An individual should have the opportunity to initiate the application process for VR services at the time of, or soon after, expressing interest in the VR program. The regulations at 34 CFR 361.41(b)(2) state:

> An individual is considered to have submitted an application when the individual or the individual's representative, as appropriate –
>
> (i)(A) Has completed and signed an agency application form;
> (B) Has completed a common intake form in a One-Stop center requesting vocational rehabilitation services; or
> (C) Has otherwise requested services from the designated State unit;
> (ii) Has provided to the designated State unit information necessary to initiate an assessment to determine eligibility and priority for services; and
> (iii) Is available to complete the assessment process.

VR agencies typically provide a consent form to the student and family as part of a referral packet. The language of a consent form may indicate that the parent or guardian is giving permission for the student to receive "transition services," a category of individualized VR services specified in Section 103(a)(15) of the Rehabilitation Act and 34 CFR 361.48(r). As such, the permission given by a parent or guardian through a consent form for the provision of VR services could be considered a request for VR services in accordance with 34 CFR 361.41(b)(2)(i)(C) and would suggest the student's availability to complete the assessment process. Therefore, the VR agency should consider such form to be an application for VR services on behalf of the student and should initiate the eligibility determination process.

As with the outreach phase of the process, applicants may not receive individualized services when referred or applying for VR services, since an IPE has not yet been developed. However, applicants may receive information about VR and the transition process, and referral to other resources, as appropriate.

Eligibility Determination

Section 102(a)(6) of the Rehabilitation Act and its implementing regulations at 34 CFR 361.41(b)(1) require the VR agency to determine the eligibility of applicants, including students with disabilities, for VR services within 60 days of application, unless exceptional and unforeseen circumstances beyond the control of the agency prevent the completion of this process and the agency and the individual agree to a specific extension of time. Although not specifically required by 34 CFR 361.47, the VR agency is encouraged to include justification of the extension and documentation of the individual's consent for this extension in the individual's case record. As a reminder, all students with disabilities, including those with significant and the most significant disabilities, are presumed to be eligible for VR services and capable of pursuing integrated employment (see discussion on pages 2 and 3 of this TAC).

IPE Development and Provision of Individualized VR Services

Section 101(a)(9)(A) of the Rehabilitation Act and its implementing regulations at 34 CFR 361.45(a) require the VR agency to assure, in its annual State Plan, that an IPE meeting all federal requirements will be developed in a timely manner for each individual following the determination of eligibility and according to the VR agency's established time standard (34 CFR 361.45(e)). Additionally, after the exploration of employment and career goals through means such as vocational assessments, the review of labor market information and/or community-based work experiences, and the identification of the services needed to achieve those goals by the VR counselor, student and the family, taking into consideration the capabilities, interests and informed choice of the student, the IPE must be developed as early as possible during the transition planning process, but, at the latest, by the time the eligible student leaves the school setting, as required by 34 CFR 361.22(a)(2). Finally, the IPE of a student receiving special education and related services must be developed, in accordance with the formal interagency agreement, in coordination with the student's IEP in terms of the identified goals, objectives, and services (34 CFR 361.46(d)).

Only upon approval of the IPE, as outlined in 34 CFR 361.45(d), is the VR agency permitted to provide VR services identified in Section 103(a) of the Rehabilitation Act and its implementing regulations at 34 CFR

361.48 to students with disabilities. VR services are those individualized services that are necessary for an individual to prepare for, secure, regain or retain employment and can only be provided to an individual if specified in an IPE (Section 103(a) of the Rehabilitation Act and 34 CFR 361.48). The IPE must contain, among other items as appropriate for the individual: (1) the individual's specific employment goal; (2) the services needed for the individual to achieve the goal; (3) timelines for the provision of, and the providers of, the services; and (4) the criteria for evaluating progress toward achievement of the goal (Section 102(b)(3) of the Rehabilitation Act and 34 CFR 361.46(a)). The record of services, as described in 34 CFR 361.47, should contain the IPE and any amendments made to it, consistent with 34 CFR 361.46.

When providing VR services to students with disabilities, VR agencies often may find it necessary to amend the IPE to reflect career exploration that is consistent with vocational growth and development. Thus, State VR agencies are encouraged to develop an initial IPE, within the timeframes specified above, with the understanding that it will reflect services that facilitate evolution in terms of the student's career choice, rather than waiting until an IPE identifying the "final" employment goal can be developed. It is at this stage of the VR process that those services that will best enable students with disabilities to achieve competitive and integrated employment can be provided, such as (1) vocational and other post-secondary training; (2) rehabilitation technology; (3) community-based work experiences, on-the-job training and internships developed in partnership with the schools and or employers; (4) supported employment services; and (5) disability-adjustment training, all designed to assist students with disabilities to achieve competitive and integrated employment.

Services to Groups

In addition to individualized VR services provided to eligible individuals in accordance with an approved IPE, VR agencies also may provide a variety of services that benefit groups of individuals with disabilities (Section 103(b) of the Rehabilitation Act and 34 CFR 361.49). For example, VR agencies can establish, develop or improve public and nonprofit community rehabilitation programs (CRP) by building their capacity to provide VR services, including transition services, that "promote integration and competitive employment" (Section 103(b)(2)(A) of the Rehabilitation Act and 34 CFR 361.49(a)(1)). In addition, VR agencies can provide telecommunication and other services that enhance the vocational rehabilitation and access to information of individuals who are blind or deaf (e.g., digitally recorded news services that provide access by telephone to newspapers and periodicals) (Section 103(b)(2)(4) of the Rehabilitation Act and 34 CFR 361.49(a)(3)). Agencies can also provide

technical assistance to small businesses not covered by the Americans with Disabilities Act seeking to employ students with disabilities regarding such topics as the VR services and reasonable accommodations that will enable students to work (Section 103(b)(5) of the Rehabilitation Act and 34 CFR 361.49(4)). Furthermore, although the requirements for the various services to groups permitted under the VR program vary, VR agencies may find two specific types discussed below in more detail helpful when assisting students with disabilities to transition from school to post-school activities.

Consultative and Technical Assistance related to Transition Planning

To enable education personnel to have the knowledge and skills necessary to effectively assist students with disabilities through the transition process, Section 103(b)(6) of the Rehabilitation Act and its implementing regulations at 34 CFR 361.49(a)(7) permit the VR agencies to provide "consultative and technical assistance services to assist educational agencies in planning the transition of students with disabilities from school to post-school activities, including employment." (See discussion of consultation and technical assistance with educational agencies as a required component of the formal interagency agreement with the SEA on page 6 of this TAC for a description of the substantive information to be shared through this activity.) VR agencies may use this authority to provide consultative and technical assistance services to educational agencies – not to students directly. Individualized services to students must be provided pursuant to Section 103(a) of the Rehabilitation Act and 34 CFR 361.48 in accordance with the approved IPE. Although Section 103 (b)(6) of the Rehabilitation Act and 34 CFR 361.49(a)(7) limit the provision of consultative and technical assistance services to educational agencies, VR agencies may provide technical assistance regarding services available through the VR program, including transition services, to other entities, such as CRPs and employers, as an administrative cost to the program (Section 7(1)(D) of the Rehabilitation Act and 34 CFR 361.5(b)(2)(iv)).

The provision of consultation and technical assistance as a service for the benefit of groups of students with disabilities differs from the outreach to and identification of students with disabilities as described at 34 CFR 361.22(b)(4), which refers to the direct outreach to students with disabilities and their families, rather than educational agencies, during which time VR agencies provide to students a description of the VR program, application procedures, eligibility requirements and the scope of services that may be provided to eligible individuals. Finally, VR agencies are permitted to, if practicable, enter into contracts with CRPs for the provision of the consultation and technical assistance services

authorized under Section 103(b)(6) of the Rehabilitation Act and 34 CFR 361.49(a)(7) to educational agencies on a VR agency's behalf.

Other Services

Section 103(b)(2)(B) of the Rehabilitation Act and regulations at 34 CFR 361.49(a)(6) permit the provision of other services, that promise to contribute substantially to the rehabilitation of a group of individuals, but that are not related directly to the IPE of any one individual with a disability. As made clear by the examples contained in the regulations, under this authority, VR agencies may provide other services only to groups of individuals who are applicants, or have been determined eligible, for VR services. These examples include, but are not limited to, the purchase or lease of a bus to provide transportation to a group of applicants or eligible individuals or the purchase of equipment or instructional materials that would benefit a group of individuals who are applicants of or individuals determined eligible for VR services. In addition, agencies may engage in other activities for the benefit of groups of students who have applied for or been found eligible for VR services, such as: the distribution of materials that market the VR program, the development of career exploration curricula, the conduct of interviewing and resume-writing workshops, as well as, the hosting of career days involving employers representative of the local economy.

It is important to note that Section 103(b)(2)(B) of the Rehabilitation Act and 34 CFR 361.49(a)(6) do not authorize VR agencies to provide individualized services pursuant to Section 103(a) of the Rehabilitation Act and 34 CFR 361.48 because these must be specified on the IPE as described above. Therefore, individualized services, such as counseling and guidance, training, transportation, work experience and rehabilitation technology fall outside the scope of "other services" to groups of individuals.

VR agencies interested in utilizing this authority to provide services to groups of individuals with disabilities must first develop and maintain written policies covering the nature and scope of each of the vocational rehabilitation services it provides and the criteria under which each service is provided (34 CFR 361.49(b)). In addition, VR agencies must maintain information to ensure the proper and efficient administration of those services, including the types of services provided, the costs of those services, and, to the extent feasible, estimates of the numbers of individuals benefiting from those services.

SUMMARY: The statutory and regulatory provisions described in this TAC provide a strong foundation on which VR agencies can build partnerships with schools, institutions of higher education, CRPs, and employers for the delivery of a wide range of services to students in pursuit of competitive integrated employment and careers. While adhering to the federal requirements explained herein, RSA encourages VR agencies to use the flexibility afforded under the Rehabilitation Act and its implementing regulations to engage in innovative strategies, involving students with disabilities and their families in the transition process as early as possible. In so doing, VR agencies perform an essential and invaluable role in ensuring that students with disabilities, including those with the most significant disabilities, are presented with every opportunity necessary to obtain independence in their communities and self-sufficiency.

CITATIONS: Sections 7, 101, 102, 103 and 111 of the Rehabilitation Act of 1973, as amended
Sections 601 and 614 of the Individuals with Disabilities Education Act

Regulations at 34 CFR 300.1; and 34 CFR 361.3, 361.5, 361.22, 361.41, 361.42, 361.45, 361.46, 361.47, 361.48 and 361.49

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cc: Council of State Administrators of Vocational Rehabilitation
National Council of State Agencies for the Blind
Consortia of Administrators of Native American Rehabilitation
National Disability Rights Network